

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS  
AM-27-00

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11(2)(a) and 285.11(1), Stats., interpreting s. 285.11(6), Stats., and revising the State Implementation Plan developed under that section, the Department of Natural Resources will hold public hearings on proposed revisions to chs. NR 400, 410, 423, 428, 439 and 485, Wis. Adm. Code, relating to an one-hour ozone air quality standard attainment plan. These revisions include nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emission controls focused on meeting federal requirements for reasonable further progress, reasonably available control technology (RACT) VOC emission limits for industrial clean-up, and, an excess VOC emissions fee. This Ozone SIP plan revision includes a modeled attainment of the ozone standard in all areas of Wisconsin by the Clean Air Act's 2007 attainment date.

The ozone formation ("photochemical") modeling demonstration shows attainment by 2007 under the assumption that upwind states that have been shown by EPA to contribute significantly to Wisconsin's ozone problem comply with the NO<sub>x</sub> reduction objectives of EPA's NO<sub>x</sub> SIP call by the 2005 ozone season. The demonstration also assumes that existing federal rules and actions controlling emissions from mobile sources achieve their projected benefits.

To address rate-of-progress and attainment requirements, the proposed rules establish a program of NO<sub>x</sub> emission reductions focused on large combustion sources such as power plants, industrial boilers and other stationary sources. The rules involve a series of minimum emission performance standards for various new and existing NO<sub>x</sub> sources by size and type. The rules establish Primary and Secondary Ozone Control Regions to define where and when NO<sub>x</sub> emission limitations apply. The rules establish a corporate system-average emission rate for the largest coal boilers starting in May, 2002 with downward adjustment to the maximum allowed average NO<sub>x</sub> emission rate in 2005 and 2007. In the proposed rules, the emission limits and system-average emission rate limits only apply to a 9-county Primary Ozone Control Region. To further address attainment of the 1-hour standard, the agency is proposing to depend on voluntary NO<sub>x</sub> emission reduction commitments from large NO<sub>x</sub> sources in the 21 county Secondary Control Region that are shown to impact the 1-hour ozone concentrations in the Wisconsin nonattainment and maintenance areas during ozone episodes.

The proposed rules establish a NO<sub>x</sub> emissions offset requirement for new sources for a 30 county portion of the state that includes the Primary and Secondary Ozone Control Regions. The rules establish compliance, monitoring, recordkeeping and reporting requirements associated with the NO<sub>x</sub> emissions performance, and burner tune-up/combustion optimization requirements.

In addition to establishing NO<sub>x</sub> emission limitations for stationary sources, the proposed plan revisions include optional approaches to rate-of-progress plans for 2002, 2005 and 2007. These options address emission reductions from instituting pass/fail cutpoints for NO<sub>x</sub> in the state's vehicle emissions testing program starting in May, 2001 and from applying the proposed NO<sub>x</sub> emissions performance limits and tune-up/optimization requirements to only a smaller set of the larger electric utility sources. The emissions projections associated with these attainment revisions establish mobile sector VOC and NO<sub>x</sub> emissions budgets for the purposes of future transportation plan conformity determinations.

The plan includes a required Reasonably Available Control Technology (RACT) rule for the control of VOC from industrial clean-up solvent activities at major sources in the 9 county Primary Ozone Control Region. The plan also includes a rule for an excess emissions fee for a portion of

VOC emitted by major sources in the six severe ozone counties of southeastern Wisconsin that would apply starting in 2008 if the counties do not attain the 1-hour ozone standard in 2007.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the Department will conduct 2 informational meetings in order to provide additional background on the proposed plan and proposed rule revisions and to answer technical questions prior to the public hearings on the proposed revisions. The informational meetings will be held on:

<u>June 14, 2000</u> Wednesday at 1:30 p.m.	Natural Resources Building (GEF 2) Room 027 101 South Webster St Madison, WI
<u>June 16, 2000</u> Friday at 10:00 a.m.	DNR Southeast Region Headquarters Room 140-141 2300 North Dr. Martin Luther King Jr. Blvd Milwaukee, WI

NOTICE IS HEREBY FURTHER GIVEN that the public hearings on the proposed rule revisions will be held on:

<u>June 27, 2000</u> Tuesday at 1:00 p.m.	Kenosha County Center Hearing Room Jct. Highways 45 and 50 Kenosha, WI
<u>June 28, 2000</u> Wednesday at 1:00 p.m.	Havenwoods State Forest Auditorium 6141 N. Hopkins St Milwaukee, WI
<u>June 29, 2000</u> Thursday at 1:00 p.m.	Appleton Public Library Auditorium 225 N. Oneida St Appleton, WI

Additional technical materials supporting the proposed attainment plan, its technical assumptions regarding modeling and emissions and these proposed rule revisions are available from the Department. Please call Robert Lopez at (608) 267-5284 regarding these materials, or, visit the Bureau of Air Management, Wisconsin DNR website at [http://www.dnr.state.wi.us/org/aw/air/hot/1hrsip\\_p3.htm](http://www.dnr.state.wi.us/org/aw/air/hot/1hrsip_p3.htm).

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Robert

Lopez at (608) 267-5284 with specific information on your request at least 10 days before the date of the scheduled public hearing.

Written comments on the proposed rule revisions may be submitted to Mr. Robert Lopez, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 no later than July 14, 2000. Written comments will have the same weight and effect as oral statements presented at the hearings.

A copy of proposed AM-27-00 and its fiscal estimate may be obtained from:

Proposed Rules  
Bureau of Air Management  
P.O. Box 7921  
Madison, WI 53707

Phone: (608) 266-7718  
FAX: (608) 267-0560

Dated at Madison, Wisconsin \_\_\_\_\_ May 25, 2000

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By /s/ \_\_\_\_\_  
George E. Meyer, Secretary